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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,185	01/09/2002	David B. Kramer	KRAMER 2-1-3	9779
47394	7590	06/09/2008		
HITT GAINES, PC ALCATEL-LUCENT PO BOX 832570 RICHARDSON, TX 75083			EXAMINER MATTIS, JASON E	
			ART UNIT 2616	PAPER NUMBER
			NOTIFICATION DATE 06/09/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@hittgaines.com

### **DETAILED ACTION**

1. This Office Action is in response to the Amendment After-Final filed 5/13/08.

Claims 1-20 are currently pending in the application.

### ***Response to Arguments***

2. Applicant's arguments filed 5/13/08 have been fully considered but they are not persuasive.

Regarding Applicant's argument that the combination of Reches in view of Dell et al. does not render claim 1-3, 6-10, 13, and 14 obvious under 35 U.S.C. 103, the Examiner respectfully disagrees. Applicant argues that Dell et al. discloses using fixed-sized switching cells that are not the same from the claimed unencapsulated, unsegmented, packets of differing length; however this argument is moot, since Reches discloses using unencapsulated, unsegmented, packets of differing lengths (See page 1 paragraph 8 of Reches et al. for reference to these types of packets). Applicant also argues that because Dell et al. discloses using fixed-sized sized switching cells, Dell et al. teaches away from the method disclosed by Reches; however this argument is also moot since the combination used in the rejections under 35 U.S.C. 103 does not involve combining the cells used by Dell et al. with the system and method of Reches. The combination used in the prior art rejection is based on a combination of the Dell et al. teaching of only allowing input devices to transmit data through a switch to an output

when there is no back-pressure in any switch stage between the input and the output (See pages 8-9 paragraphs 111-120, pages 9-10 paragraphs 128-137, and Figures 12 and 15-16 of Dell et al. for reference to this method) with the system and method of Reches. Thus it is not the cell structure of Dell et al. that is combined with the system and method of Reches, but rather the forwarding grant determining method of Dell et al. that is combined with the system and method of Reches. This method has the advantage of ensuring that data does not get delayed at an intermediate switch stage when being sent from an input to an output. It is not unreasonable for one of ordinary skill in the art to combine the grant method used in the switch of Dell et al. with the switch disclosed by Reches, since the switch of Reches would be able to gain the advantage disclosed by Dell et al. without requiring the use of the fixed length cells taught by Dell et al.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON E. MATTIS whose telephone number is (571)272-3154. The examiner can normally be reached on M-F 8AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on (571)272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JEM

/FIRMIN BACKER/  
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